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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN GEORGE BRONSON,

Defendant and Appellant.

F063293

(Super. Ct. No. 1425734)

**OPINION**

**THE COURT\***

APPEAL from a judgment of the Superior Court of Stanislaus County. Ricardo Cordova, Judge.

John Steinberg, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Michael P. Farrell, Assistant Attorney General, Louis M. Vasquez and Lewis A. Martinez, Deputy Attorneys General, for Plaintiff and Respondent.

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\*Before Cornell, Acting P.J., Gomes, J. and Detjen, J.

Steven George Bronson, defendant, was convicted of a lewd or lascivious act on Jane Doe, a 15-year-old child, in violation of Penal Code section 288, subdivision (c)(1). He appeals, claiming he cannot be convicted of this crime because the offense occurred after her 15th birthday. Based on the recent California Supreme Court case of *People v. Cornett* (2012) 53 Cal.4th 1261, we affirm the judgment.

### **FACTS**

On November 4, 2010, 15-year-old Jane Doe was in a store shopping with her mother and her sister. She became separated from her mother. Defendant approached her and asked her to try on a pair of shoes for him. She agreed. Defendant knelt down and took Jane's foot and placed it in the shoe. He then pulled her foot that was inside the shoe to his groin area, making contact. He moved Jane's foot back and forth for several minutes and also placed his mouth on the skin of her upper thigh. (Jane was wearing shorts.) He was making groaning noises while he engaged in this activity. Jane's mother eventually observed what was happening and told defendant to stop. He fled the store.

### **DISCUSSION**

Defendant was convicted of violating Penal Code section 288, subdivision (c)(1), which punishes a lewd and lascivious act with "a child of 14 or 15" by a perpetrator who is at least 10 years older than the child. Defendant contends he cannot be convicted of violating this section because Jane Doe was 15 years and nearly four months of age at the time of the alleged offense, and the statute was not meant to apply to anyone who has passed their 15th birthday.

The California Supreme Court recently interpreted a similar statute and determined that the "statutory phrase '10 years of age or younger' includes children younger than 10 years of age and children who have reached their 10th birthday but who have not yet reached their 11th birthday." (*People v. Cornett, supra*, 53 Cal.4th at p. 1264.) The court's decision was based in accordance with the ordinary understanding of age. "In common parlance, a person reaches a particular age on the anniversary of his

or her birth and remains that age until reaching the next anniversary of his or her birth.”  
(*Id.* at p. 1265.)

Defendant has not made an argument that would persuade us that the interpretation of the age requirement set forth in the statute applicable to his conviction should be different from the interpretation of age in *Cornett*. In a supplemental letter brief filed in this court defendant has acknowledged that *Cornett* is adverse to the position he took in his opening brief.

Defendant was properly convicted of violating Penal Code section 288, subdivision (c)(1) because Jane Doe had reached her 15th birthday but had not yet reached her 16th birthday when the offense was committed.

### **DISPOSITION**

The judgment is affirmed.